

CHAPTER 93: GARBAGE AND RUBBISH

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93.01 PURPOSE

This chapter is designated to control solid waste material in the city providing for the establishment and enforcement of rules and regulations, providing for service agreements for private haulers, establishing limitations and prohibiting certain acts causing solid waste disposal problems, and providing for fines for violations of the provisions of this chapter. ('72 Code, 14.01) (Ord. 2432-1969)

93.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "BOARD" - The Board of Sanitary Commissioners of the City of Richmond or their authorized representatives.
- (b) "BULKY WASTE" - Refrigerators, stoves, appliances, and attachments, the doors of which must be removed or sealed. Furniture, bedding, carpeting, fencing, sacked or bundled clothes or any refuse which because of its size, shape or weight cannot be handled by normal disposal methods.
- (c) "COMMERCIAL GENERATOR" - A Facility generating solid refuse resulting from any commercial enterprise with the exception of industrial and residential enterprises.

- (d) "CONSTRUCTION REFUSE" - All refuse resulting from the construction, demolition, alteration, or repair of any building, structure, roadway, sidewalk, and so forth.
- (e) "GARBAGE" - Those putrescible wastes resulting from the growing, handling, storage, preparation, cooking, and consumption of food.
- (f) "GRASS CLIPPINGS" - That part of yard waste collected from the mowing and trimming of turf and grass, traditionally used as ground cover.
- (g) "HEALTH OFFICER" - The Health Officer having jurisdiction in Wayne County, State of Indiana, or his authorized representative.
- (h) "INDUSTRIAL GENERATOR" - A facility generating solid refuse resulting from any manufacturing process not considered "special waste" nor "hazardous waste".
- (i) "INDUSTRIAL REFUSE" - The solid refuse resulting from any manufacturing process.
- (j) "INSTITUTIONAL GENERATOR" - A facility generating solid refuse resulting from any governmental, religious, educational, recreational, or other not for profit, or property tax exempt facility.
- (k) "MULTI-FAMILY RESIDENTIAL GENERATOR" - Mobile home parks, campgrounds, condominiums, apartments, and other residential facilities containing three (3) or more residential units.
- (l) "OPEN BURNING" - Any fire from which the products of combustion are emitted directly into the outdoor atmosphere.
- (m) "OWNER" - Any person, corporation, partnership, trust or any entity which shall be the owner of any interest whatsoever of, or in, real property which is situated within the corporate limits of the City of Richmond.
- (n) "PERSON" - An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.
- (o) "PRIVATE HAULER" - Any person who shall go from place to place within the city on any vehicle, mechanical or otherwise, for the purpose of collecting refuse as herein defined, or any person who shall engage in the business of collecting or disposing of refuse or recycled materials.
- (p) "REFUSE" - All putrescible and nonputrescible solid wastes, with the exception of body wastes, and shall include garbage, rubbish, ashes, street sweepings, dead animals, and industrial and construction wastes.
- (q) "RUBBISH" - All nonputrescible wastes including all combustible and non-combustible substances. Combustible rubbish shall mean relatively dry rubbish

comprised chiefly of wood, paper, straw, cardboard, excelsior, sweepings, and all other similar articles of combustible nature. Incombustible rubbish shall mean rubbish incapable of incineration such as glass, cans, brick, stone, potterware, metallicware, ashes, and any other material that will not burn.

(r) "SINGLE RESIDENTIAL GENERATOR" - Residential facilities containing not more than two residential units shall be considered a single residential generator.

(s) "SOLID WASTE GENERATOR SERVICE AGREEMENT" - A service agreement for the class of user as follows:

- (1) "Multi-family Residential Generator"
- (2) "Commercial Generator"
- (3) "Institutional Generator"
- (4) "Industrial Generator"

(t) "TRASH" - To include demolition, refuse, and rubbish ('72 Code, 14.01) (Ord. 2432-1969; Ord. 11-1979)

(u) "YARD WASTE"

(1) Tree limbs up to three inches in diameter and less than twelve feet long, a pile of limbs or brush up to two cubic yards.

(2) Bundles up to four feet long and two feet in diameter, weighing less than forty pounds.

(3) Leaves and garden waste, weeds, flowers, vegetables, straw, hay or similar material.

93.03 ADMINISTRATIVE ORGANIZATION AND ENFORCEMENT

(a) This chapter shall be in effect throughout the city.

(b) This chapter shall be administered by the Board of Sanitary Commissioners through the Manager, or duly authorized agent, of the City of Richmond Sanitary District. The Board shall:

- (1) Receive and institute complaints;
- (2) Institute enforcement actions necessary to insure compliance with this chapter, including the imposition of fines or nuisance clean ups, provided, nothing shall prevent similar enforcement by the Richmond Police Department or City Inspectors pursuant to law.
- (3) Be responsible for preparation and execution of public relations and education plans for informing and securing the cooperation of the general public in complying with this chapter and reducing unsanitary garbage and rubbish storage.

- (c) The Board is authorized to collect and dispose of all garbage and rubbish within the city.
- (d) No person other than the Board shall collect, transport, or dispose of garbage or rubbish within the city limits who does not possess a private hauler service agreement issued by the Board. This shall not prohibit any person from transporting his own refuse to an approved disposal site in a sanitary manner.
- (e) It shall be unlawful for any person other than the Board or a private hauler approved by the Board, to remove, displace, uncover, or otherwise disturb any refuse container or the contents thereof and placed on location, or to go from place to place for the purpose of collecting refuse, or to act or serve as a private hauler without first obtaining a service agreement therefore as herein provided.
- (f) This chapter shall not prohibit collectors of refuse from outside the city from hauling such refuse over city streets provided the collectors comply with the provisions of this chapter and with any other governing law or ordinance. Penalty, see R.C. 10.99. (Ord. 62-1999)

93.04 PRIVATE HAULER SERVICE AGREEMENTS

- (a) Solid Waste Generator Service Agreements

- (1) Application and certificate of approval.

- (A) All solid waste generators using a manifest for disposal at the New Paris Pike landfill shall acquire the appropriate service agreement. The solid waste generator shall complete an application, have the service agreement approved by the Board, and receive a numbered service agreement in writing.

- (B) The generator shall be subject to impromptu inspection at the generator's location from time to time, and right of entry is implicitly granted by the submission of the application.

- (C) Generators using the Richmond Sanitary District collection facilities shall acquire a service agreement describing the terms and conditions for service. Such service shall include a manifest for the aggregate waste collected by the Richmond Sanitary District.

- (D) Generators using a private collection service that collects more than one generator per load shall acquire a service agreement describing the terms and conditions the private collector shall render, including a manifest for aggregated waste collected.

- (E) All private collectors shall acquire a private hauler's service agreement to access the New Paris Pike Landfill pursuant to 93.04(b).

- (b) Private Operator Permit

(1) Application and certificate of approval

(A) Any person desiring a private operator permit shall make written application to the Board of Sanitary Commissioners on forms to be provided by the Board.

(B) The Board shall then cause to be made an inspection of the applicant's vehicle(s) to determine whether it meets the standards and requirements. The facts shall be certified in writing by the Board.

(C) No private operator permit shall be issued until the applicant has obtained the certificate of approval from the Board, paid the permit fee, and produced proof of insurance.

(D) No private hauler shall, under any circumstance whatsoever, be considered as the agent, servant, or employee of the city and any and all operations of the private hauler shall be independent of the city.

(2) Insurance required

Before any private operator permit shall be issued, the applicant for the permit shall first furnish and deposit with the Board a certificate of insurance showing public liability and property damage insurance insuring the applicant against liability for damages sustained by a person other than the employee of the applicant and occasioned by the neglectful operation of the vehicle or vehicles of the applicant. The insurance policy shall provide coverage in the amount deemed reasonable by the Board of Sanitary Commissioners. The insurance policy shall be written by a company authorized to do business in the State of Indiana.

(3) Permit Fee

(A) The private operator permit fee shall be \$30.00 per truck per year beginning January 1 of any year, provided that any permit issued after August 1 of any year, for the balance of the year, shall be one half of the yearly sum. The fees shall be paid to the Board.

(B) Operator permits shall not be transferable and shall be carried on the vehicle at all times.

(4) Exemption. The provisions of this section shall not apply to any person disposing of his own refuse. ('72 Code, 14.03) (Ord. 2432-1969) Penalty, see 10.99.

93.05 COLLECTION PRACTICES

(a) The city or its duly authorized agency shall collect all garbage and rubbish which is deposited in proper containers and properly placed for collection as prescribed by this chapter. The scheduling of routes and collection days, including special holiday week provisions, shall be

determined by the Manager of Richmond Sanitary District. Where applicable, the container and all its parts shall be replaced by the collection agent in a position that complies with the chapter.

(1) All containers shall be placed for collection not earlier than the evening prior to collection, nor later than 6:00 a.m. on the collection day.

(2) All containers shall be removed from the collection sites within twelve hours after the collection service has been performed, with the exception of stationary containers leased or provided by Sanitary District (3 Cubic Yard Containers).

(b) Limitation of service

The types and locations of business and industries to be provided with collection services shall be at the discretion of the Board, by its approved service agreement.

(c) There shall be a maximum weekly limit of 180 gallons of garbage and rubbish per single family generator in up to two "Rosie Rollers" provided by the Richmond Sanitary District. The use of said Rosie Rollers shall be mandatory. Any garbage or rubbish not placed in a Rosie Roller will not be collected, except that up to three (3) forty pound bundles of brush tied in four foot lengths may be substituted for one Rosie Roller.

(d) Limitations of material collected

(1) The Board shall not be required to collect and dispose of construction and industrial refuse. Construction refuse shall be removed within ten days after completion of construction work.

(2) Bulky items, such as discarded stoves, refrigerators, furniture, and so forth, will be collected only by prior arrangement with the collection agency.

(3) Yard Waste – tree limbs up to three inches in diameter and less than twelve feet long, a pile of limbs or brush up to two cubic yards; bundles up to four feet long and two feet in diameter weighing less than forty pounds; leaves and garden waste, weeds, flowers, vegetables, straw, hay or similar material will be collected only by prior arrangement.

(4) No grass clippings shall be collected.

(5) No explosive material or item shall be placed in any refuse container.

(e) Collection Equipment. Equipment used for collection and transportation of garbage or rubbish in the city shall have suitably constructed, sanitary type, all enclosed bodies with water tight beds. Equipment other than the above shall be approved by the Manager of the Sanitary District or the Health Officer. (Ord. 93-1998)

93.06 OWNER OR OCCUPANT TO REMOVE REFUSE FROM PREMISES

The owner, occupant or lessee of any premises in the city shall cause to be removed from the premises all refuse, and shall keep the premises at all times free and clear of any accumulation refuse, which shall not include a maintained and managed (defined as preventing any offensive odor) compost pile. A violation of this section shall be subject to the penalty provision of R.C. 10.99

and/or the provisions of R.C. 93.15-93.18; provided, a second violation upon the same premises within the same calendar year shall result in a fine of \$100.00, and a third violation upon the same premises within the same calendar year shall result in a fine of \$250.00. (Ord. No. 10-2001)

93.07 UNSANITARY DISPOSAL OR PLACEMENT OF REFUSE PROHIBITED

(a) It shall be unlawful for any person to deposit or place any refuse in any alley, street, river, or other public place within the City of Richmond nor shall any person deposit or place any refuse on private property, whether owned by the person or not, within the city limits unless the refuse is enclosed in an approved container, or as specified herein. However, any person who immediately destroys the refuse upon his own premises to the satisfaction of the Health Officer shall not be required to place the refuse in a container. A violation of this section shall be subject to the penalty provision of R.C. 10.99 and/or the provisions of R.C. 93.15-93.18; provided, a second violation upon the same premises within the same calendar year shall result in a fine of \$100.00, and a third violation upon the same premises within the same calendar year shall result in a fine of \$250.00. (Ord. No. 10-2001)

(b) Improper or unsanitary condition of refuse container and area shall be reported to the owner by a properly authorized official of the Board. Containers found to be in violation of this chapter must be replaced within a period of seven days under penalty provided in R.C. 93.17. (Ord. 62-1999)

(c) After due notice has been given to the responsible person to dispose of defective or illegal containers, they may be collected as a public nuisance, and costs of clean up assessed per Sec. 93.18., or subject to penalty of Richmond Code.

93.08 BURNING OF REFUSE PROHIBITED

No person shall dispose of refuse by open burning, or cause, suffer, allow or permit open burning of refuse, unless a service agreement has been acquired from the State Fire Marshal. Penalty, see R.C. 10.99. (Ord. 62-1999)

93.09 APPROVED METHOD OF DISPOSAL

All disposal of refuse shall be by an approved method of incineration, by garbage grinding, by sanitary landfill cover, or combination of the above methods and sites to be approved by the Manager of the Sanitary District and the Indiana Department of Environmental Management. Penalty, see R.C. 10.99. (Ord. 62-1999)

93.10 OWNERSHIP OF REFUSE

All refuse placed in a disposal area operated by the Board shall become the property of the City and no person shall be allowed to separate and collect, carry off, or dispose of it except under written direction of the Board. Penalty, see R.C. 10.99. (Ord. 62-1999)

PUBLIC NUISANCE

93.15 ACCUMULATION OF TRASH, RUBBISH OR GARBAGE IS PUBLIC NUISANCE

The Common Council has determined that an accumulation of refuse, including trash, rubbish, or garbage is detrimental to the health, safety, and welfare of the people of the City of Richmond. Accumulation of refuse is a public nuisance. A violation of this section shall be subject to the penalty provision of R.C. 10.99 and/or the provisions of R.C. 93.15-93.18; provided, a second violation upon the same premises within the same calendar year shall result in a fine of \$100.00, and a third violation upon the same premises within the same calendar year shall result in a fine of \$250.00. (Ord. No. 10-2001)

93.16 OWNER NOT TO PERMIT PUBLIC NUISANCE ON PREMISES

- (a) The owner of any premises within the city shall not permit the existence of such a public nuisance on any private premises or transfer the nuisance from private premises to adjacent public premises.
- (b) It shall be a violation of this Code for any owner to permit the existence of a public nuisance as herein described and if any owner shall not remove the public nuisance after notice by a sanitary inspector, the Richmond Sanitary District shall cause the public nuisance to be removed and the cost of the removal charged to the owner of the property on which the public nuisance exists. Penalty, see R.C. 10.99; provided, a second violation upon the same premises within the same calendar year shall result in a fine of \$100.00, and a third violation upon the same premises within the same calendar year shall result in a fine of \$250.00. (Ord. No. 10-2001)

93.17 WRITTEN NOTICE OF PUBLIC NUISANCE

Any sanitary inspector who shall find that the owner of any premises is permitting such a public nuisance to exist shall notify the owner by notice in writing, sent to the owner by United States Mail that:

- (a) The owner is maintaining a public nuisance;
- (b) The owner shall cause the nuisance to be removed within seven days of the date of the notice;
- (c) If the owner fails to have the nuisance removed, the Richmond Sanitary District will cause the public nuisance to be removed; and
- (d) The cost of the removal of the public nuisance will be charged to the owner of the premises on which the public nuisance exists. (Ord. 62-1999)

93.18 REMOVAL OF NUISANCE BY RICHMOND SANITARY DISTRICT

- (a) Should the Owner(s) fail to remove the public nuisance within seven days from date of notice, the Richmond Sanitary District shall remove the public nuisance either by use of the personnel and equipment of the Richmond Sanitary District or by hiring a private contractor to remove the nuisance.

(b) Richmond Sanitary District shall determine the cost of removal of the nuisance and shall immediately send a bill for the removal to the owner of the premises which shall be due and payable to Richmond Sanitary District within ten days of the date of the bill.

(c) Should the owner fail to pay the charges for the removal of the nuisance within ten days, the City through its Department of Law shall proceed with collection under its general enforcement practice in a court of appropriate jurisdiction. (Ord. 62-1999)

93.19 CITY TO COLLECT FEES

When any sum of money is collected by the City as hereinabove set out, including fines, the sums shall be paid to Richmond Sanitary District. (Ord. 62-1999)

93.20 CONTAINER USER FEE

Richmond Sanitary District shall assess and collect user fees for the use of refuse containers according to the following schedule:

(a) Three Cubic Yard Containers - Commercial, Multi-Family, and Institutional Users shall pay the annual rate as follows: \$80.00 per year (prepaid) per one three cubic yard container that conforms to automatic side-loading vehicles. Prepayment of container will be required before container is delivered.

(1) User will be charged on a fiscal year basis, by invoice. The time at which the rates or charges shall be paid is now fixed at thirty days after the date of mailing of the invoice. In the event user is past due on payment of container fee, user will be sent a past due notice. If user does not pay within thirty days after the date of mailing of past due notice, container shall be retired by Richmond Sanitary District.

(2) In the event two or three commercial users are sharing a container and user fee is shared, if one of said users is delinquent in payment and has been sent a past due notice and still has not made payment, user will be sent a letter stating he may no longer use the container. The formula for cost shall be redistributed among paying users.

(A) Prohibited use violations shall be considered private property trespass, and may be subject to criminal and civil litigation. Persistent non-payment of shared containers shall cause termination of the lease agreement, and each individual may sublet individual containers at his own risk, provided that all sublets are identified to Richmond Sanitary District as valid users.

(3) Multi-Family Residential Users (three units or more) - shall pay the rate prescribed above for one three cubic yard container that conforms to automatic side-loading vehicles.

(A) Owners of multi-family dwellings shall provide at least one three cubic yard container for every multiple of four units, and one container for the remaining fraction of less than four units. Any deviation or alteration to this requirement shall be made in writing by the Manager of the Richmond Sanitary District.

(B) The above owners shall acquire a Solid Waste Service Agreement as described in Section 93.04 of the Richmond Code. Failure to acquire the proper service agreement shall exclude the user of any privilege accorded a resident of Richmond Sanitary District including the disposal facilities, sanitary sewer and other services.

(b) "Rosie Roller" Containers – All single or two family residential users shall be required to use Rosie Roller containers as approved by the Board. All single or two family users shall be limited to a maximum of two Rosie Rollers per unit. The first Rosie Roller per unit shall be provided without charge by the Richmond Sanitary District. There shall be a charge of one dollar (\$1.00) per month per container for the second Rosie Roller per unit. Any user desiring a second Rosie Roller shall be billed on an annual basis, and must pay said fee in advance. (Ord. 93-1998)

(1) Trailer Parks

Individual residents in Trailer Parks may have a Rosie Roller. If Landlord pays sewer bill for Trailer Park and does not give approval for \$1.00 fee to be added to sewer bill, then said resident will be billed on an individual basis. Invoice will be mailed one time per year for total rental amount due, paid in advance.

(2) Exceptions to the size of the ninety gallon Rosie Roller optional containers may be granted if the user is physically impaired and the household requires only one container.

(c) Eighteen Cubic Yard Containers (Roll-Offs) are available by written request, including a \$5.00 drop charge, paid in advance. Said container shall be placed in compliance with the written instructions for a period of approximately 48 hours.

(1) This container cannot be used for the removal of construction or reroofing materials, tires, dirt, gravel, and automobile parts.

(d) Prohibitions

Failure to abide by the operating procedures for these containers shall result in additional charges for damage, any additional out of pocket expense, and/or civil litigation, at the discretion of the Board of Sanitary Commissioners.

(e) Exceptions

Any exception or variance to the above fees and uses may be granted by the Board of Sanitary Commissioners. All requests for variances must be presented in writing to the Board of Sanitary Commissioners.